

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Ensuring Customer Premises Equipment	)	PS Docket No. 14-174
Backup Power of Continuity of	)	
Communications	)	
	)	
Technology Transitions	)	GN Docket No. 13-5
	)	
Policies and Rules Governing Retirement of	)	RM-11358
Copper Loops by Incumbent Local Exchange	)	
Carriers	)	
	)	
Special Access for Price Cap Local Exchange	)	WC Docket No. 05-25
Carriers	)	
	)	
AT&T Corporation Petition for Rulemaking to	)	RM-10593
Reform Regulation of Incumbent Local	)	
Exchange Carrier Rates for Interstate Special	)	
Access Services	)	

**REPLY COMMENTS OF  
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## **I. INTRODUCTION AND SUMMARY**

The Office of the People's Counsel for the District of Columbia ("OPC" or "Office"), submits these comments in reply to the opening comments filed in response to the Federal Communications Commission's ("Commission" or "FCC") Notice of Proposed Rulemaking ("NOPR") in this docket.<sup>1</sup> OPC is the statutory representative of District of Columbia ("District" or "D.C.") ratepayers and consumers with respect to utility matters.<sup>2</sup> OPC and the District ratepayers and consumers it represents have a direct and substantial interest in the technology-transition issues presented in this proceeding.

OPC applauds the Commission for initiating this proceeding and appreciates the opportunity to update the Commission on its position regarding the transition of the nation's local telecommunications networks from copper to fiber and from TDM-based to IP-based transmission protocols.<sup>3</sup> The Office supports the introduction and implementation of new telecommunications technologies in the District and across the nation. OPC believes the technology transitions have myriad potential benefits for customers; however, they also carry attendant risks. Unless properly guarded against, these risks could leave consumers worse off than they have been in receiving universally available, affordable, and reliable voice services through switched copper networks.

The D.C. Public Service Commission ("D.C. PSC") has initiated an investigation (namely, Formal Case No. 1102) into issues that closely parallel those raised in the FCC's

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<sup>1</sup> *In re Ensuring Customer Premises Equip. Backup Power for Continuity of Commc'ns*, 29 FCC Rcd. 14,968 (2014) ("NOPR").

<sup>2</sup> D.C. Code § 34-804 (Lexis 2015).

<sup>3</sup> OPC was a signatory to a letter submitted last year by Public Knowledge and other consumer advocacy groups which "summarized and submitted multiple filings asking state public service commissions to pause copper retirements and to investigate service-related issues with existing copper networks." NPRM at ¶19, citing Letter from Public Knowledge, et al., to Julie A. Veatch, Chief, Wireline Competition Bureau, FCC, GN Docket No. 09-51, et al. at 2-3 (filed May 12, 2014) (Public Knowledge et al. May 12, 2014 Letter).



NOPR. Based on the Office's request for the DC PSC to open a formal investigation and consumer complaints received by the DC PSC concerning the quality of Verizon's (DC's ILEC) copper repair practices and its practices in carrying out the copper-to-fiber transition, the DC PSC initiated Formal Case No. 1102 to investigate issues relating to (1) "the continued use of [Verizon's] copper infrastructure," and (2) the "transition from [Verizon's] copper facilities to fiber facilities for providing telecommunications services, including the retirement of [TDM] facilities and offerings and their replacement with [IP-]based alternatives."<sup>4</sup> The DC PSC held an evidentiary hearing in Formal Case No. 1102 on January 22-23, 2015. OPC was a very active participant in that DC PSC proceeding.

OPC's experience in DC PSC Formal Case No. 1102 confirms what commenters noted here:

The best way to encourage consumers to adopt new technologies is to give them confidence that those technologies will be a true step forward for them . . . [I]f people feel assured that new technologies will be just as ubiquitous, reliable, and affordable, and will operate under the same basic consumer protections, they can transition safe in the knowledge that they will not fall through the cracks in the process.<sup>5</sup>

The NOPR's proposals are an important positive step in the direction of facilitating these objectives. OPC urges the Commission to adopt rules that require transitioning carriers to provide (a) minimum-battery-backup ("BBU") requirements for all voice services that are not network-powered at the consumers' premises; (b) 911 service reliability and functionality with fiber and IP-based services that are equivalent in reliability and functionality to that of copper

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<sup>4</sup> *Formal Case No. 1102, In re the Investigation into the Continued Use of Verizon Wash., DC, Inc.'s Copper Infrastructure to Provide Telecomms. Servs.* ("Formal Case No. 1102"), Order No. 17045 ¶ 3 (D.C. Pub. Serv. Comm'n Jan. 17, 2013).

<sup>5</sup> Comments of Public Knowledge *et. al.* at 5. *Accord* Comments of NASUCA at 5 ("Transitions to advanced technologies must enhance, not sacrifice, reliability and functionality"); Comments of NY PSC at 7 (post-copper customers "should continue to have an equivalent service available at comparable cost, quality, reliability, and resiliency including equivalent consumer protections").

and TDM-based 911 services; and (c) clear and objective disclosures to consumers regarding the differences between copper and TDM-based services, on the one hand, and fiber and IP-based services, on the other. In addition, the Commission should treat any rules it adopts here as a floor, leaving state public utility commissions (“PUCs”) free to adopt rules and requirements relating to these issues that are tailored to the unique needs and problems of each jurisdiction.

## **II. THE COMMISSION SHOULD ADOPT RULES THAT REQUIRE TRANSITIONING CARRIERS TO PROVIDE SERVICES OF EQUIVALENT FUNCTIONALITY, RELIABILITY, AND AFFORDABILITY POST-TRANSITION AND THAT PROVIDE CUSTOMERS WITH ADEQUATE INFORMATION TO MAKE AN INFORMED DECISION AS TO WHETHER TO MIGRATE TO NEW SERVICES**

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OPC agrees with NASUCA that Commission action in this proceeding should be based on the following premise: “ILEC voice telephony should not be discontinued unless there is a guaranteed provider of reliable service that meets the criteria for universal voice telephone service, provides at least equivalent functionality and is reliable during emergencies and extended power outages.”<sup>6</sup> An equally-important premise, set forth in the NOPR<sup>7</sup> and supported by several commenters,<sup>8</sup> is that customers should be fully and objectively informed about the nature of the transition; their service options are; and the relevant differences in the performance, reliability, and cost characteristics of each service option. Without adequate information, or with information deliberately slanted in the direction that the carrier wants the customer to take,

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<sup>6</sup> Comments of NASUCA at 7.

<sup>7</sup> NOPR at ¶¶ 60-72.

<sup>8</sup> See, e.g., Comments of Public Knowledge *et al.* at 32-34; Comments of NASUCA at 18-19; Comments of Pa PUC at 13; Comments of NY PSC at 6-7.



customers may “effectively [be] forced onto new services or facilities that may not provide the functionalities they need.”<sup>9</sup>

With these premises in mind, OPC offers the following in response to the initial comments submitted in response to the Commission’s NOPR:

**A. *The Commission Should Adopt Meaningful Battery-Backup Requirements.***

Like several other commenters,<sup>10</sup> OPC strongly supports the NOPR’s proposal to adopt a rule requiring fixed voice-service providers to “assume responsibility for provisioning backup power that is capable of powering their customers’ CPE” during a power outage.<sup>11</sup> A Battery-Backup Unit (“BBU”) requirement for fiber-based and other non-line-powered services recognizes, and seeks to mitigate, an inherent shortcoming of all fiber-based and most coaxial-based networks: Unlike copper-switched networks, all fiber-based and most coaxial networks provide no network power at the customer’s premises. Thus, absent some sort of ameliorating regulatory requirements, transitioning from a copper to fiber or coaxial network will inevitably result in (1) a greater risk of customer loss of service in the event of a power outage at the customer’s location and (2) a shifting of some of the network’s power costs from the carrier to the customer. A BBU requirement cannot eliminate the former shortcoming of fiber-based and coaxial-based services, but it can ameliorate that shortcoming.<sup>12</sup>

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<sup>9</sup> Comments of Public Knowledge *et al.* at 33.

<sup>10</sup> See *e.g., id.* at 24-27; Comments of NASUCA at 8-11; Comments of Pa PUC at 4-9; Comments of NY PSC at 2-4; Comments of AARP at 8-27; Comments of National Association of State 911 Administrators at 1-2.

<sup>11</sup> NOPR at ¶ 35.

<sup>12</sup> The latter shortcoming of fiber-based and coaxial-based services—the shifting of power costs from the carrier to the customer—cannot be ameliorated, much less eliminated, without effective rate regulation compelling the carrier to pass through the power cost savings to the customer. This cost-shifting to consumers, which although small in amount for an individual consumer can be quite large from the carrier’s perspective, should be troubling to the FCC and to PUCs. New technologies should not be a vehicle for cost-shifting to consumers.

The NOPR's tentative proposal to require carriers to provide 8-hour BBU capability,<sup>13</sup> however, is insufficient. The Commission should instead require fiber and coaxial-based providers to furnish consumers with a BBU capable of providing at least twenty-four hours of standby power and eight hours of conversation time.<sup>14</sup> As the NOPR notes,<sup>15</sup> some carriers, such as Verizon, already claim to provide twenty-four hours of BBU capability, so there can be no question about the technological and economic feasibility of a 24-hour BBU requirement.<sup>16</sup>

NASUCA is clearly correct that the Commission cannot rely on the market to ensure carriers provide adequate BBU capability.<sup>17</sup> Although the market may provide some incentive for carriers to offer BBU capability during the initial transition away from line-powered copper networks,<sup>18</sup> the market incentive to do so will disappear once the transition is largely complete. The reason is that, at that point, customers will have no line-powered, voice-service option available, and providers would no longer need to offer any BBU capability to entice customers to shift away from line-powered service. Absent an effective Commission, PUC, or both BBU requirement, the result would be a market-wide loss of voice network reliability during power outages. That would be an unacceptable result from a policy and public-safety perspective.

Finally, the Commission should ensure any BBU requirements it adopts applies equally to all fiber-based and other non-line-powered voice services and that carriers must offer VoIP and fiber-switched customers a BBU pursuant to the same terms and conditions. Due in no small

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<sup>13</sup> NOPR at ¶ 35.

<sup>14</sup> See Comments of Public Knowledge *et al.* at 25-26; Comments of NASUCA at 10.

<sup>15</sup> NOPR at ¶ 35.

<sup>16</sup> We agree with Public Knowledge *et al.*, (at 25-26) that the Commission should monitor BBU technological advances and consider increasing the BBU requirement to up to a week of backup power as technology permits.

<sup>17</sup> Comments of NASUCA at 8.

<sup>18</sup> See Comments of Verizon at 18 (noting that Verizon, Comcast, Cablevision, Cox and Time Warner offer BBU).



part to the Commission’s failure to classify interconnected VoIP service as a “telecommunications service”, as well as the laws of several jurisdictions that limit PUC jurisdiction over VoIP service, some ILECs, like Verizon, currently offer a BBU free of charge only to customers that obtain switched fiber service (which Verizon admits is a regulated telecommunications service); Verizon requires customers of its FiOS Digital Voice (“FDV”) service, in contrast, to purchase a BBU at their own expense (in Verizon’s view, FDV is not a regulated telecommunications service).<sup>19</sup> But such a BBU policy flies directly in the face of what should be the Commission’s central objective with respect to the technology transition—to provide consumers with the benefits of new technology without forcing them, in return, to sacrifice the level of reliability, safety, and affordability provided by their existing switched service.

***B. The Commission Should Require VoIP Services to Provide 911 Capability of Equivalent Reliability to Switched Voice Services.***

The NOPR,<sup>20</sup> as well as some commenters,<sup>21</sup> correctly observe it is essential that network-technology transitions do not result in a reduction in 911 capability or reliability. While OPC recognizes the Commission is addressing some of the unique and vexing 911 reliability issues arising from the transition to IP networks in the *911 Policy Statement and NOPR* proceeding,<sup>22</sup> ensuring that 911 reliability is not compromised by the transition from copper and TDM-based networks to fiber networks, IP-based networks, or both is equally relevant, and

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<sup>19</sup> See *Formal Case No. 1102*, Direct Testimony of Peter M. Bluhm, Esq., Robert Loube, Ph.D., David J. Malfara, Sr., on behalf of OPC, Sept. 3, 2014 (“OPC Direct Testimony”), available at [http://www.dcpsc.org/edocket/docketsheets\\_pdf\\_FS.asp?caseno=FC1102&docketno=136&flag=D&show\\_result=Y](http://www.dcpsc.org/edocket/docketsheets_pdf_FS.asp?caseno=FC1102&docketno=136&flag=D&show_result=Y).

<sup>20</sup> NOPR at ¶¶ 98 and 100.

<sup>21</sup> See e.g., Comments of Public Knowledge *et al.* at 17-19; Comments of NASUCA at 24; Comments of National Association of State 911 Administrators at 3-4.

<sup>22</sup> See *In re Governance & Accountability: Improving 911 Reliability*, 29 FCC Rcd. 14,208 (Nov. 21, 2014) (“*911 Policy Statement and NPRM*”).



critical, to the issues raised in this proceeding. Until (and unless) enforceable regulatory mechanisms are in place to ensure IP-based networks provide 911 reliability equivalent to that provided by TDM-based networks, the Commission cannot fulfill its primary goal of “ensur[ing] that these fundamental values [of public safety and national security] are not lost merely because technology changes.”<sup>23</sup>

Among the key differences between TDM-based 911 capability and IP-based 911 capability are that, unlike TDM-based 911 technology, IP-based 911 technology has many more, and longer, physical transmission links (often traversing routes outside the local 911 jurisdiction to a regional center) and also relies on several applications, any of which could become overloaded, fail, or both, with potential cascading adverse effects. As a result, there are many more inherent potential points of failure in an IP-based 911 system than in the traditional TDM-based 911 system. The Commission should require that, as a condition of permitting a carrier to proceed with terminating TDM-based facilities in favor of IP-based facilities, the carrier must conduct stress tests of its IP-based 911 system and provide the Commission with the results, which must demonstrate the IP-based system provides 911 reliability equivalent to TDM-based 911 systems’.

***C. The Commission Should Require Carriers to Make Full and Accurate Disclosures to Consumers Concerning Any Transition from Copper or TDM-Based Service to Fiber or IP-Based Service.***

In its NOPR, the Commission proposes to require ILECs “to supply [customers with] a neutral statement of the various choices that the LEC makes available to retail customers affected by the planned network change.”<sup>24</sup> This proposal received considerable support in the opening

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<sup>23</sup> NOPR at ¶ 1.

<sup>24</sup> NOPR at ¶ 72.

comments,<sup>25</sup> and for good reason: As carriers, especially ILECs, transition their networks from copper and TDM to fiber, IP, or both they have powerful economic incentives to persuade their existing TDM-based copper customers to agree to discontinue their existing service and move to fiber and IP-based alternatives. Persuading their customers to transition as quickly as possible is a “win-win-win” profit-maximizing strategy for the ILEC because it enables the ILEC to (1) reduce its copper network costs,<sup>26</sup> (2) enhance its revenue by “upselling” customers to broadband and other services offered over the carrier’s fiber-based network, IP-based network, or both,<sup>27</sup> and (3) escape PUC regulation and oversight of its local voice service, depending on the law of the jurisdiction concerning VoIP service.<sup>28</sup>

Given these clear incentives, it is not reasonable to expect ILECs to make neutral or complete and impartial disclosures to customers about the pros and cons of migrating to fiber or IP-based services. The ILEC is certainly not indifferent to the choice the customer makes regarding the migration and, like any business, is going to stress the pros and downplay the cons of the service choice the ILEC wants the customer to make.

This is, of course, rational profit-maximizing behavior by the ILEC. Nevertheless, it underscores the fact that the marketplace cannot be relied upon to ensure ILECs will provide their customers with full and objective information about their service options and the impact of those options on them. The Commission therefore correctly concluded in the NOPR that ILECs should be required to provide a neutral statement setting forth the facts needed for a customer to make a fully informed choice.

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<sup>25</sup> See, e.g., Comments of Public Knowledge *et al.*, at 33-34; Comments of NASUCA at 18-19; Comments of AARP at 34-39; Comments of NY PSC at 6, 9; Comments of Pa PUC at 13.

<sup>26</sup> See, e.g., Comments of Verizon at 5.

<sup>27</sup> See, e.g., Comments of AARP at 36-39; Comments of Public Knowledge *et al.* at 33-34; Comments of NASUCA at 17-19.

<sup>28</sup> See, e.g., Comments of Public Knowledge *et al.* at 15.



Attached to the Office's Reply Comments is Exhibit A, which is as an example of the type of information the Commission should consider requiring ILECs to provide.<sup>29</sup> OPC recommended to the DC PSC that it direct Verizon to provide disclosures to residential customers in the following three circumstances: (1) migrations from switched copper voice service to switched fiber voice service; (2) migrations from switched copper voice service to Verizon's FDV service; and (3) migrations from switched fiber voice service to FDV service.<sup>30</sup> These recommended mandatory disclosures are somewhat dated, as Verizon has since revised its BBU options.<sup>31</sup> However, Verizon's actions underscore the importance of requiring ILECs to keep their customer disclosures up to date. OPC's recommended disclosures provide the Commission with baseline disclosures that ILECs should be required to provide their customers when ILECs seek to transition them to new technologies.

### **III. THE COMMISSION SHOULD RECOGNIZE AND PRESERVE THE ROLE OF PUCs IN PROTECTING CUSTOMERS DURING TECHNOLOGY TRANSITIONS**

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OPC strongly supports the stated goal of the NOPR to ensure the fundamental values of competition, consumer protection, universal service, and public safety and national security "are not lost merely because technology changes."<sup>32</sup> Achieving this goal will require a joint, cooperative effort by the Commission and state PUCs. The Commission lacks the oversight and enforcement resources, as well as the familiarity with the considerable variations in unique facts

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<sup>29</sup> See Exhibit A, an excerpt from OPC Direct Testimony in *Formal Case No. 1102*, attached hereto.

<sup>30</sup> *Id.*

<sup>31</sup> See *Formal Case No. 1102*, Verizon Washington, D.C. Inc.'s Technical Public Conference Report at 3 (DC PSC filed Oct. 24, 2014), available at [http://www.dcpsc.org/edocket/docketsheets\\_pdf\\_FS.asp?caseno=FC1102&docketno=168&flag=D&show\\_result=Y](http://www.dcpsc.org/edocket/docketsheets_pdf_FS.asp?caseno=FC1102&docketno=168&flag=D&show_result=Y).

<sup>32</sup> NOPR at ¶ 1.



relating to technology transitions in each jurisdiction, to effectively monitor and apply the regulatory requirements that will be necessary to achieve the Commission's goals.

OPC urges the Commission to clarify that any rules it adopts in this proceeding are a floor—not a ceiling—and are not intended to preempt any state PUC requirements that may impose more specific and tailored obligations on transitioning carriers within their respective jurisdictions. For instance, unlike any state, the District of Columbia is a jurisdiction where the ILEC, Verizon, plans to deploy a fiber network throughout the jurisdiction, and is doing so in an all-urban socioeconomic demographic environment, which presents its own unique BBU and customer-disclosure needs. As the nation's capital, the District also presents its own unique issues relating to 911, public safety, and national security.

To achieve the Commission's NOPR, many of the requirements necessary to implement the key issues presented by the NOPR (such as BBU requirements, 911 requirements, and customer-disclosure requirements) will need to be adapted and tailored to conditions and circumstances in each jurisdiction. They simply are not susceptible to a "one-size-fits-all" solution.

That is not to say that adoption of nationwide Commission rules is unnecessary. To the contrary, new Commission rules are essential, both to serve as a nationwide floor and to serve as a backstop where state laws may limit some PUCs' jurisdictional ability to reach some carriers' VoIP, or VoIP-like, services. The Commission should reject any entreaties by the industry to transform any rules adopted here into a ceiling that preempts state PUCs from adopting technology, transition-related requirements specifically tailored to the unique needs and circumstances of the particular technology transitions in local landline voice service taking place in their respective jurisdictions.

#### IV. CONCLUSION

OPC agrees with Public Knowledge *et al.* (at 14-15) that “encouraging the tech transitions means giving the network’s users assurance that they will have the same or better protections on new networks as they had on the previous ones. Forcing customers to choose between enjoying strong consumer protections and adopting new technologies will only delay the tech transitions.”

Providing consumers with that assurance will require, at a minimum, effective and enforceable Commission rules concerning BBU requirements, IP-based 911 reliability that is equivalent to TDM-based 911, and full and objective disclosure by carriers to consumers of their transition-related service options (and the characteristics of each option). It also will require the Commission to partner with PUCs in adapting the requirements imposed in each of these areas to the unique circumstances of each jurisdiction.

Respectfully submitted,

A handwritten signature in black ink, reading "Sandra Mattavous-Frye". The signature is written in a cursive, flowing style. A horizontal line is drawn across the signature.

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March 9, 2015



# Exhibit A

### Disclosure from Copper Voice to Switched Fiber Voice Service

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• At installation, a Verizon employee will install your new fiber equipment that will allow you to receive switched fiber voice service. This includes placing an Optical Network Terminal ("ONT") on or in your house. The ONT needs electrical power from an outlet in your house.</li><li>• Verizon will supply you with a backup battery. During a commercial power failure, if you do not use the telephone this battery normally remains charged for up to eight hours. Once the battery is depleted, your voice service (including E-911) will not work until commercial power is restored.</li><li>• The backup battery has a replacement warranty of three years. If the backup battery fails thereafter, you must replace it at your own cost. Battery life may be as long as seven years or as little as four years. Replacement batteries are available at the Verizon Fiber Solutions Center at 1-888-553-1555 and at major electronics outlets and home improvement stores.</li><li>• You must properly recycle old backup batteries. Major electronics outlets and home improvement stores may accept them.</li></ul> | <ul style="list-style-type: none"><li>• Switched fiber voice service may not be compatible with certain telephones, answering machines, alarms, and other telephone equipment.</li><li>• If you subscribe to switched fiber voice service and later have a complaint or dispute about that service, you can call or write to the Public Utilities Commission of the District of Columbia (202-626-5100) or the D.C. Office of People's Counsel (202-727-3071).</li><li>• If you are dissatisfied with switched fiber voice or fiber Internet service, you will be able to return to a copper-based voice service or copper-based Internet connection.</li></ul> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

1 If the Commission does not accept our battery recommendations and Verizon  
2 continues to offer batteries at a nonzero price for customers, the second disclosure  
3 in the first column would need to be modified to state that Verizon will provide a  
4 battery only if the customer purchases one, and the third disclosure in the first  
5 column would need to describe Verizon's current battery warranty, if any.

6 **Q. WHAT MATTERS SHOULD BE SPECIFICALLY DISCLOSED WHEN A**  
7 **CUSTOMER CONTEMPLATES SWITCHING TO FIOS VOICE?**

### Disclosure for Copper Voice to FiOS Voice Service

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• At installation day, a Verizon employee will install your new FiOS equipment. This includes placing an Optical Network Terminal ("ONT") on or in your house. The ONT needs electrical power from an outlet in your house.</li><li>• Verizon will supply you with a backup battery. During a commercial power failure, if you do not use the telephone this battery normally remains charged for up to eight hours. Once the battery is depleted, your voice service (including E-911) will not work until commercial power is restored.</li><li>• The backup battery has a replacement warranty of three years. If the backup battery fails thereafter, you must replace it at your own cost. Battery life may be as long as seven years or as little as four years. Replacement batteries are available at the Verizon Fiber Solutions Center at 1-888-553-1555 and at major electronics outlets and home improvement stores.</li><li>• You must properly recycle old backup batteries. Major electronics outlets and home improvement stores may accept them.</li><li>• You must pay monthly charges in advance. This usually means one larger bill that covers both last month's service and next month's FiOS service.</li></ul> | <ul style="list-style-type: none"><li>• FiOS voice service may not be compatible with certain telephones, answering machines, alarms, and other telephone equipment.</li><li>• When using FiOS voice service you must always dial 10-digits. Seven digits will not work, even when calling other telephones within Washington DC.</li><li>• When using FiOS voice service you cannot make 500, 700, 900, 950, 976, 00, 01, 0+, call card calls or dial-around calls. Nor does it allow the Customer to accept collect calls or third number billed calls.</li><li>• Verizon does not guarantee that 911 will always work when the network is busy.</li><li>• If you switch to FiOS voice service and later have a complaint or dispute about that service:<ul style="list-style-type: none"><li>◦ Neither the D.C. Public Utilities Commission nor the D.C. Office of the People's Counsel will be able to offer assistance.</li><li>◦ Your other rights and remedies will be limited against Verizon. Your right to collect damages will be limited to one month's FiOS charges. You must resolve any dispute either through arbitration or a small claims court. You cannot have a jury trial.</li></ul></li><li>• If you are dissatisfied with FiOS voice or Internet service, you will be able to return to a copper-based voice service or copper-based Internet connection.</li></ul> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

1        The form also assumes that FiOS will remain exempt under the D.C. Code. If the  
2        Commission adopts our recommendations under Issue Nos. 3 and 6 above and



**Disclosure for Switched Fiber Voice to FiOS Voice Service**

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| <ul style="list-style-type: none"><li>• The backup battery that Verizon previously installed will continue to work with your new service.</li><li>• The backup battery has a replacement warranty of three years. If the backup battery fails thereafter, you must replace it at your own cost. Battery life may be as long as seven years or as little as four years. Replacement batteries are available at the Verizon Fiber Solutions Center at 1-888-553-1555 and at major electronics outlets and home improvement stores.</li><li>• You must properly recycle old backup batteries. Major electronics outlets and home improvement stores may accept them.</li><li>• You must pay monthly charges in advance. This usually means one larger bill that covers both last month's service and next month's FiOS service.</li></ul> | <ul style="list-style-type: none"><li>• FiOS voice service may not be compatible with certain telephones, answering machines, alarms, and other telephone equipment.</li><li>• When using FiOS voice service you must always dial 10-digits. Seven digits will not work, even when calling other telephones within Washington DC.</li><li>• When using FiOS voice service you cannot make 500, 700, 900, 950, 976, 00, 01, 0+, call card calls or dial-around calls. Nor does it allow the Customer to accept collect calls or third number billed calls.</li><li>• Verizon does not guarantee that 911 will always work when the network is busy.</li><li>• If you switch to FiOS voice service and later have a complaint or dispute about that service:<ul style="list-style-type: none"><li>o Neither the D.C. Public Utilities Commission nor the D.C. Office of the People's Counsel will be able to offer assistance.</li><li>o Your other rights and remedies will be limited against Verizon. Your right to collect damages will be limited to one month's FiOS charges. You must resolve any dispute either through arbitration or a small claims court. You cannot have a jury trial.</li></ul></li><li>• If you are dissatisfied with FiOS voice or Internet service, you will be able to return to a copper-based voice service or copper-based Internet connection.</li></ul> |
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- 1 Q. SHOULD ANY DISCLOSURES BE GIVEN TO A CUSTOMER WHO  
2 SUBSCRIBES TO COPPER VOICE OR WHO ASKS TO BE RETURNED